

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

ENIS MUSTAFA,

Supervisee.

No. 16-cr-55-5 (RJS)

ORDER

RICHARD J. SULLIVAN, Circuit Judge:

Before the Court is Supervisee's March 29, 2024 motion requesting termination of his supervised release. (Doc. No. 336.) For the reasons stated below, the motion is GRANTED.

On March 1, 2023, Supervisee was sentenced to time served and one year of supervised release following his conviction for access device fraud. (Doc. No. 320.) Shortly after beginning supervision, Supervisee tested positive for unprescribed controlled substances. In August 2023, the Court modified the conditions of supervision to require Supervisee to participate in an outpatient drug treatment program. (Doc. No. 327.) Supervisee continued to test positive for controlled substances in the fall of 2023, and the Court issued a summons on December 21, 2023 to address his violation of a condition of his supervised release. (Doc. No. 328.) At a hearing on January 9, 2024, the Court held in abeyance the violation specification in the Probation Department's report dated December 18, 2023 and modified Supervisee's conditions to require inpatient substance abuse treatment. (Doc. No. 330.) Although Supervisee's term of supervision was set to expire on February 29, 2024, the power of the Court to revoke a term of supervision for a violation of a condition of supervised release "extends beyond the expiration of the term of supervised release for any period reasonably necessary for the adjudication of matters arising

before its expiration,” if, as here, a warrant or summons was issued before the term expired. 18 U.S.C. § 3583(i).

Since the January 9, 2024 hearing, Supervisee has successfully completed an inpatient treatment program at CornerStone of Medical Arts in Queens, New York, and has been consistently testing negative for unprescribed controlled substances, most recently on April 8, 2024. Supervisee has also undergone surgery for a back injury that predates his supervision and for which he was receiving pain management treatment. In light of Supervisee’s progress and compliance, the Probation Department has recommended that supervision be terminated.

The Court agrees with the Probation Department’s recommendation. Accordingly, IT IS HEREBY ORDERED THAT the violation specification held in abeyance at the January 9, 2024 hearing is dismissed, and Mr. Mustafa’s term of supervised release is terminated. The Court extends its best wishes to Mr. Mustafa and his family.

SO ORDERED.

Dated: April 15, 2024
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation